

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA	§	
	§	
Plaintiff,	§	
v.	§	Case No.: 5:23-MJ-01502-HJB
	§	
NATHAN TYLER PADILLA	§	
	§	
Defendant.	§	

**GOVERNMENT’S RESPONSE IN OPPOSITION TO DEFENDANT’S  
REQUEST TO ATTEND FURENAL SERVICES**

The United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, submits this Response to Defendant’s Request to Attend Funeral Services filed on November 15, 2023. (ECF No. 16). After consulting with both the assigned case agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Federal Pretrial Services Officer assigned to supervise the Defendant on pretrial release, the Government opposes the Defendant’s Request. In support of this Response, the Government respectfully shows the following:

**I. Procedural Background**

On October 25, 2023, the Defendant was arrested pursuant to a Federal Complaint. (ECF No. 1). The United States filed its Motion for a Detention Hearing, asking that the Defendant be held without bond. (ECF No. 2). On November 9, 2023, the Court heard the issue of the Defendant’s detention. (ECF No. 12). The Government’s Motion for Detention was denied, and – against the recommendation of Pretrial Services - the Defendant was released with certain conditions of pretrial supervision. (ECF Nos. 12, 13 & 14). Among those conditions was the

requirement that the Defendant remain at the home of his girlfriend, Alexis Pena, who is also his custodian, and that he have no contact with “potential co-defendants/material witnesses”. (ECF No. 14 at 2).

On November 15, 2023, the Defendant filed his Request to Attend Funeral Services. (ECF No. 16). The services in question are for the Defendant’s girlfriend’s brother, Preciliano Damien Pena. (*Id.* At 1). The Defendant asks that he be permitted to attend two services, one on Sunday, November 19, 2023, from 7:00pm to 8:30pm, and the second the following day, Monday, November 20, 2023, from 10:00am to 12:00pm. *Id.* In his Request, the Defendant identifies Alcapone Maximus Pena as a co-defendant, and states that he will also be present. (*Id.* at 2).

## **II. Argument**

The United States opposes the Defendant’s request due to the substantial risk of obstruction posed by the Defendant’s presence at this event. One of the primary reasons for the United States’ opposition to the Defendant’s release on bond was the possibility of him either coordinating an ongoing criminal conspiracy to traffic firearms and/or contacting potential co-defendants in an effort to obstruct the investigation of his actions. In this instance, the presence of Alcapone Maximus Pena and the Defendant at the same unmonitored location would provide exactly such an opportunity.

Prior to filing this response, the undersigned Assistant United States Attorney contacted Officer Gavara of Federal Pretrial Services who shared this same concern and stated that she also opposes the granting of the Defendant’s Request.

## **Conclusion**

Because the Defendant’s request would necessarily obviate one of his conditions of bond

and pose a significant risk of obviating a second – the consequences of which could result in the obstruction of justice - the Defendant’s Request should be denied.

Respectfully submitted,

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United States Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above foregoing document has been delivered to the Attorney for the Defendant via EFC filing.

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\_\_\_\_\_/s/  
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